

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**Amendment No. 1 to HB0270**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

55-10-454.

(a) This section shall be known and may be cited as the "Youthful Offender Amnesty Act".

(b) A person who is eligible in accordance with subsection (c) may petition the appropriate court to have all public records of convictions or adjudications of delinquency expunged that would not otherwise be subject to expunction pursuant to § 40-32-101 or any other provision of law.

(c) A person is eligible to petition the appropriate court for relief pursuant to this section who has been convicted of a first or second violation of § 55-10-401, a violation of § 55-10-418 or §§, 57-3-412, 57-4-203 or 57-5-301, involving the underage purchase, possession, transportation or consumption of alcohol or beer, and who files such petition during the time period set out in subsection (d) of this section.

(d) A person eligible under subsection (c) may file a petition pursuant to this section to expunge records that resulted from an adjudication of delinquency or a conviction that occurred during the period of time beginning on the date such person becomes sixteen (16) years of age and ending when the person becomes twenty-four (24) years of age.

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**Amendment No. 1 to HB0270**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

A person shall have a period of three (3) years after such person becomes twenty-four (24) years of age to file such a petition. However, if such person does not file a petition within that three (3) year period, such person is forever barred from the relief afforded by this section. Except as authorized in subsection (l)(4) of this section, only one (1) petition may be filed pursuant to this section.

(e) A petition filed pursuant to this section for the expunction of records concerning a finding of delinquency entered by a juvenile court shall be filed in the juvenile court of the county where the petitioner resides. A petition filed pursuant to this section for the expunction of records concerning a criminal conviction shall be filed in the circuit court of the county where the petitioner resides. However, if such county has a Drug court, DUI court or other court that hears all alcohol related criminal offenses, the petition shall be filed in that court.

(f) By August 1, 2003, the administrative office of the court shall design, prepare and distribute to each circuit court clerk, juvenile court clerk or the clerk serving a DUI or Drug court, if different, a form for petitioning for expunction of the records authorized by this section. Such form shall be simple and designed in such a manner that a person petitioning for expunction is able to complete the form properly without the necessity of an attorney. The petition form shall state that the petitioner desires expunction of the records authorized by this section, the date and

**Amendment No. 1 to HB0270**

**Fowlkes**  
**Signature of Sponsor**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

place of each conviction the petitioner wants expunged and shall set forth the basis for the petitioner's eligibility for expunction pursuant to this section. Each circuit court clerk, juvenile court clerk or DUI or Drug court clerk shall maintain a supply of these expunction petition forms in the clerk's office.

(g) Upon the filing of the petition, a court date shall be set as soon as practicable and the petitioner shall be notified of such date.

(h) After a petition has been filed, the clerk of the appropriate court in which the petition is filed shall provide notice to the district attorney general in whose county the petitioner resides and the district attorney general of the county in which the adjudications of delinquency or convictions occurred. Such district attorneys shall have until the court date set forth in the notice to object to the petitioner's request for expunction, either in person or in writing.

(i) If the district attorneys general fail to object by the court date set in the notice, the judge may either grant the petition and enter an order expunging the petitioner's adjudications of delinquency or convictions authorized by this section or the judge may require the petitioner to appear before the judge. Any appearance before the judge may, in the discretion of the judge, be conducted in chambers or in open court.

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**Amendment No. 1 to HB0270**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

(j) If a district attorney general objects by the date set in the notice, or if the judge deems it necessary, a hearing shall be conducted on the date specified. At the hearing, the district attorney general may appear or submit objections in writing and the petitioner shall appear.

(k) Regardless of whether a district attorney general objects or a full hearing is conducted, the judge shall consider the following before granting any petition to expunge an adjudication of delinquency or a conviction pursuant to this section:

(1) The petitioner's driving record since the adjudications of delinquency or convictions sought to be expunged occurred;

(2) Whether the petitioner has been adjudicated delinquent or convicted of any other offense since the adjudications of delinquency or convictions sought to be expunged occurred;

(3) Whether the petitioner served all of any jail sentence imposed by the judge and whether the petitioner has successfully completed all treatment, counseling, community service or any other condition of probation or sentence imposed by the judge for the adjudications of delinquency or convictions sought to be expunged;

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**Amendment No. 1 to HB0270**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

(4) Whether the petitioner has paid all fines, fees and courts costs that accrued as the result of the adjudications of delinquency or convictions sought to be expunged;

(5) Whether, at the time of the adjudications of delinquency or convictions the petitioner seeks to have expunged, the petitioner showed proof of financial responsibility;

(6) The facts and circumstances surrounding the offense or offenses for which the petitioner was adjudicated delinquent or convicted and which the petitioner seeks to have expunged, paying particular attention to whether any injury resulted to another person because of the petitioner's conduct that resulted in such adjudications of delinquency or conviction and whether the petitioner has made full restitution for any injury or property damage caused by such conduct;

(7) The behavior and attitude of the petitioner following the adjudications of delinquency or convictions, whether the petitioner's subsequent conduct has increased or decreased the probability that the petitioner will lead a productive, useful and crime-free life and whether the long term benefit to the petitioner and society of expunging the adjudications of delinquency or convictions outweighs the state's legitimate interest in preserving

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**Amendment No. 1 to HB0270**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

records of alcohol-related adjudications of delinquency or convictions for purposes of future enhanced punishment; and

(8) Any other factors the court deems important in determining whether the interests of justice do or do not require that the petitioner be granted the extraordinary relief authorized by this section.

(l) After consideration of the factors set out in subsection (k), and any other factors the court deems appropriate and relevant, the court shall dispose of the petition in one of the following ways:

(1) Grant the petition and order that all public records of the petitioner's adjudications of delinquency or convictions for a first or second violation of § 55-10-401, a violation of § 55-10-418 or §§ 57-3-412, 57-4-203 or 57-5-301 involving the underage purchase, possession or consumption of alcohol or beer, that occurred during the designated period be expunged in the manner prescribed in § 40-32-101.

(2) If there is more than one (1) adjudication of delinquency or conviction sought to be expunged by the petition, grant the petition as to one (1) or more of the adjudications of delinquency or convictions and deny it as to the others.

(3) Deny the petition in total.

**Amendment No. 1 to HB0270**

**Fowlkes  
Signature of Sponsor**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**AMEND Senate Bill No. 1070**

**House Bill No. 270\***

(4) If the petition is in whole or in part denied, the person may petition a different judge of a court of record in the same county or judicial district one (1) time during the time period in which such petitions are authorized provided the person's circumstances have materially changed in some manner favorable to the petitioner.

(m) Notwithstanding the provisions of subdivision (l) of this subsection, no court shall grant a petition and order the expunction of the records pertaining to any violation of § 55-10-401, unless the person has satisfied all requirements necessary to reinstate such person's driver license.

(n) All costs for a proceeding under this section to expunge records shall be paid by the petitioner unless the court specifically orders otherwise.

SECTION 2. For purposes of the administrative office of the courts preparing and distributing the petition for expunging convictions pursuant to this section, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on August 1, 2003.